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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/126,884	07/31/1998	MICHAEL C. BERTRAM	533/133	9408

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EXAMINER	
NGUYEN, BRIAN D	

ART UNIT	PAPER NUMBER
2661	26

DATE MAILED: 05/07/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/126,884	BERTRAM ET AL.	
	Examiner	Art Unit	
	Brian D Nguyen	2661	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *05 April 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-3,5-10 and 12-26* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-3,5-10 and 12-26* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims 1-3, 5-10, and 12-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Slattery (6,246,701) in view of Gardner et al (6,327,275).

Regarding claim 1, Slattery discloses a method for processing a transport stream (TS1, TS2, TS3) comprising a plurality of time slots for transporting therein respective programs having a common time base indicated by periodically inserted time stamps comprising modifying packets associated with a desired time slot of a received transport stream to produce an output transport stream and transmitting the output transport stream, wherein the transmitted output transport stream includes respective modified programs having the common time base indicated by the periodically inserted time stamps provided by the received transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50 & 62-65; col. 6, lines 11-16; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; and col. 40, lines 28-30). Slattery does not specifically disclose the modified packet uses a matching time stamp of the received transport stream. However, Gardner discloses the modified packet uses a matching time stamp of the received transport stream (see col. 1, lines 7-14; col. 4, lines 30-59; and col. 5, lines 5-13). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to a use a matching time stamp of the received transport stream as taught by

Gardner in the system of Slattery with the motivation being to maintain the timing of the packets in the received transport stream.

Regarding claims 2-3 and 5-6, Slattery further discloses examining and replacing NULL packets/programs with replacement packets/programs by inserting the replacement packets/programs into an output transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; and col. 40, lines 28-30).

Regarding claims 7-10 and 26, Slattery discloses an apparatus for processing a received transport stream comprising N time slots for transporting therein N respective programs having a common time base indicated by periodically inserted time stamps comprising a transport clock source; N transport encoders; a multiplexer for receiving and modifying packets associated with a desired time slot of one or more transport encoded program streams. The multiplexer producing a processed transport stream, wherein the processed transport stream includes respective modified programs having the common time base indicated by the periodically inserted time stamps provided by the received transport stream and a file server coupled between the multiplexer and the N transport encoders (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; col. 29, line 41-col. 30, line 7; and col. 40, lines 28-30). Slattery implicitly discloses a frequency divider to divide a timing signal CLK from the transport clock source into N timing signals so as the bit rate of the slotted transport stream will be equal to the sum of the bit rates of the N slots. Slattery does not specifically disclose the modified packet uses a matching time stamp of the received transport stream. However, Gardner discloses the modified packet uses a matching time stamp of the received transport stream (see col. 1, lines 7-14; col. 4, lines 30-59; and col. 5, lines 5-13).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to a use a matching time stamp of the received transport stream as taught by Gardner in the system of Slattery with the motivation being to maintain the timing of the packets in the received transport stream.

Regarding claim 12, Slattery discloses an apparatus for processing a received transport stream comprising a plurality of time slots for transporting therein a respective plurality of programs having a common time base indicated by periodically inserted time stamps comprising a transport clock source, a plurality of encoder for receiving and encoding program streams to produce a respective encoded program stream, each of the encoded program streams being coupled to a switch via a respective buffer memory, the switch selectively coupling program stream transport packets from the buffer memories for modifying packets associated with a desired time slot to produce a slotted transport stream, wherein the slotted transport stream includes respective modified programs having the common time base indicated by the periodically inserted time stamps provided by the received transport stream (see abstract; Fig. 1; col. 3, lines 12-14; col. 5, lines 48-50; col. 9, lines 26-30; col. 9, line 47-col. 10, line 7; col. 10, lines 27-44; col. 29, line 41-col. 30, line 7; and col. 40, lines 28-30). Slattery implicitly discloses a frequency divider to divide a timing signal CLK from the transport clock source into N timing signals so as the bit rate of the slotted transport stream will be equal to the sum of the bit rates of the N slots. Slattery does not specifically disclose the modified packet uses a matching time stamp of the received transport stream. However, Gardner discloses the modified packet uses a matching time stamp of the received transport stream (see col. 1, lines 7-14; col. 4, lines 30-59; and col. 5, lines 5-13). Therefore, it would have been obvious to a person of ordinary skill in the

art at the time the invention was made to a use a matching time stamp of the received transport stream as taught by Gardner in the system of Slattery with the motivation being to maintain the timing of the packets in the received transport stream.

Regarding claims 13, 16-17, and 21-22, Slattery further discloses a file server (40) for storing encoded program streams and selectively providing at least one encoded program stream to the switch (see Figure 1).

Regarding claims 14-15, 18-20, and 23-25, Slattery further discloses NULL transport packets, adding and deleting NULL transport packets and program packets (see elements 50 & 60 of Figure 1; col. 4, lines 62-67; col. 5, lines 48-50; and col. 10, lines 32-40).

Response to Arguments

3. Applicant's arguments filed 4/5/04 have been fully considered but they are not persuasive.

The applicant argued that Gardner provides no specific description of how a modified packet uses a matching time stamp as claimed. This argument is not persuasive because claims 1, 7, 12, and 13 merely claim that a modified packet uses a matching time stamp without providing any specific description of how the modified packet use the matching time stamp. In col. 4, lines 30-48, Gardner teaches of replacing B packet with null program and in col. 5, line 5-13, Gardner teaches of replacing B packet with data from the local data signal. This replacement is the same as replacing packet 1 in TIN1 with packet 4 in TIN2 to produce TOUT as shown in figure 6 of the application. Regarding Slattery reference, although Slattery does not use numbers or letters to describe data packet from different sources, Slattery implicitly discloses this limitation by

inserting a null packet into a time slot of a received transport stream to maintain the predetermined bit rate of the TS as described in col. 10, lines 33-34 and in col. 40, lines 25-34, Slattery discloses replacing null packets with other transport packets as packet 1 in TIN1 is replaced by packet 4 in TIN2 to produce TOUT as shown in figure 6 of the application.

Conclusion

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian D Nguyen whose telephone number is (703) 305-5133. The examiner can normally be reached on 7:30-6:00 Monday-Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Doug Olms can be reached on (703) 305-4703. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Nguyen
5/3/04